

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No. 8042 of 2023
Date of Decision : 20.2.2023**

Reeta Devi

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Kanwarpal Singh Mahey, Advocate, for
Mr. Vishal Nehra, Advocate, for the petitioner

Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.138 dated 3.9.2022 under Sections 363, 342, 376(3), 506 and 120-B IPC and Section 4 of POCSO Act, 2012, registered at Police Station Sadar, District Hoshiarpur.

As per allegations in the FIR, the petitioner's brother allegedly took the complainant, aged about 14 years, to the petitioner's house and made physical relations with her forcibly. He threatened the complainant also not to disclose the fact to anyone or else she will have to face the consequence.

Learned counsel for the petitioner contends that there is no allegation of commission of the alleged offences against the petitioner, nor has she been named in the FIR. He further submits that the petitioner is aged about 40 years and a mother of five minor children. She is in custody since 4.9.2022. The material prosecution witnesses, i.e., prosecutrix and her relative, have already been examined.

Learned State counsel, on instructions from SI Sewak Singh,

opposes the grant of bail stating that the trial of the case is progressing and two out of twenty one witnesses have already been examined.

In view of the facts aforestated, it is apparent that the petitioner is a lady having five minor children. Trial of the case will take long time to conclude as nineteen prosecution witnesses still remain to be examined, and the material witnesses including the prosecutrix already stands examined. The petitioner is in custody since 4.9.2022 and no useful purpose will be served by confining her to custody any longer.

In view thereof, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

20.2.2023

Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No